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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,099	09/22/2003	Andrew R. Volk	694231.0118	6282

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EXAMINER

LE, MIRANDA

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/670,099

Applicant(s)

VOLK ET AL.

Examiner

Miranda Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/05/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Applicants' Information Disclosure Statement, filed 01/05/2005, has been received, entered into the record, and considered. See attached form PTO-1449.

### ***Preliminary Amendment***

2. Applicant's Preliminary Amendment, filed 12/02/2004, has been received, entered into the record, and considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17, 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheth et al. (US Patent No. 6,311,194).

Sheth anticipated independent claims 1, 4, 7, 12, 17 by the following:

**As per claim 1**, Sheth teaches a system for providing media content in a network comprising one or more servers (Figs. 10-14) configured to:

generate (i.e. generates XML assets, col. 10, lines 43-46) an interface at a site on said network (Figs. 10-14, col. 10, lines 43-54, col. 6, lines 39-44);

define a set of metadata attributes (i.e. a set of attribute-value pairs, col. 16, line 11) relating to media files to be displayed in specific locations in said interface (col. 16, lines 5-36);

compile a plurality of media files for use with said interface (col. 16, lines 37-55);

associate metadata attributes from the set of metadata attributes with each of said plurality of media files (col. 11, lines 35-36, col. 8, lines 9-62);

map said metadata attributes to the specific locations in said interface (col. 11, lines 35-36, col. 8, lines 9-62); and

displayed the interface for a user (Fig. 13, col. 15, lines 12-30).

**As per claim 4**, Sheth teaches a system for providing media content in a network comprising one or more servers (Figs. 10-14) configured to:

associate metadata attributes from within a defined set of metadata attributes (i.e. a set of attribute-value pairs, col. 16, line 11) with a plurality of media files (col. 11, lines 35-36, col. 8, lines 9-62); and

utilize the metadata attributes to map the plurality of media files to an interface (Figs. 10-13) such that the metadata attributes appear in the same location in the interface for each of the plurality of media files (col. 11, lines 35-36, col. 8, lines 9-62, col. 15, lines 12-30);

**As to claims 7, 12, 17,** Sheth teaches a method of providing media content to a plurality of users over a network comprising (Figs. 10-14):

compiling a data file that contains one or more sequentially placed unique identifiers (i.e. The wedding singer, Fig. 6) which identify one or more media files (Fig. 6, Fig. 13, col. 7, line 1 to col. 8, line 8, col. 15, lines 12-30); and

allowing the plurality of users to access (i.e. One-Click media play, col. 7, lines 5-8) the one or more media files out of sequence (Fig. 13, col. 7, lines 5-8, col. 15, lines 12-30).

**As to claims 2, 6, 11, 16,** Sheth the plurality of media files is compiled from more than one source (col. 9, lines 60-65, col. 15, lines 14-15).

**As per claim 3,** Sheth teaches the one or more servers are further configured to generate a media player interface for experiencing the media content (Fig. 13, col. 15, lines 12-30).

**As per claim 5,** Sheth teaches a local database for storing the metadata attributes (Fig. 14)

**As per claim 8,** Sheth teaches the data file is automatically compiled based on some criteria (col. 16, lines 37-55).

**As to claims 9, 14,** Sheth teaches the data file is automatically compiled based on criteria chosen by one of the plurality of users (col. 7, line 1 to col. 8, line 8, col. 15, lines 12-30).

**As to claims 10, 15,** Sheth teaches the data file is compiled manually (Fig. 11).

**As per claim 13,** Sheth teaches the data file is automatically compiled (col. 16, lines 37-55).

**As per claim 20,** Sheth teaches said metadata attributes comprise a title for the media file (Fig. 2).

**As per claim 21,** Sheth teaches said metadata attributes comprise a description for the media file (Fig. 2).

**As per claim 22,** Sheth teaches said metadata attributes comprise a duration for the media file (Fig. 2).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth et al. (US Patent No. 6,311,194), in view of Walker et al. (US Patent No. 7,003,726).

**As per claim 24**, Sheth teaches a method of providing media content in a network comprising the steps of:

generating an interface at a site on said network (i.e. generates XML assets, col. 10, lines 43-46), on a user computer (col. 10, lines 43-54, col. 6, lines 39-44);

defining a set of metadata attributes (i.e. a set of attribute-value pairs, col. 16, line 11) relating to media files to be displayed in specific locations in said interface(col. 16, lines 5-36);

compiling a plurality of media files for use with said interface (col. 11, lines 35-36, col. 8, lines 9-62);

associating metadata attributes with each of said plurality of media files, wherein the metadata attributes comprises a title (i.e. The wedding singer, Fig. 6) for each media file (Figs. 1, 6, col. 11, lines 35-36, col. 8, lines 9-62);

mapping said metadata attributes from the set of metadata attributes to the specific locations on said interface (col. 11, lines 35-36, col. 8, lines 9-62); and

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displayed the interface for said user (Fig. 13, col. 15, lines 12-30).

Sheth does not expressly teach these limitations:

authenticating said user's authorization to access certain media content; and

said plurality of media files comprises only the user's authorized media content.

However, Walker teaches these limitations at col. 8, lines 21-49.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Sheth with the teachings of Walker to include authenticating said user's authorization to access certain media content; and said plurality of media files comprises only the user's authorized media content in order to assure that only authorized users can access the network and that the data cannot be intercepted.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth et al. (US Patent No. 6,311,194), in view of Hegde et al. (US Patent No. 6,925,495).

**As per claim 23**, Sheth does not expressly teach said metadata attributes comprise an expiration date for the media file.

However, Hegde teaches this limitation at col. 9, lines 11-36, col. 15, lines 25-29.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Hegde's teaching of an expiration date for the media file would have enabled Sheth's to efficiently deliver a new content to the users.



***Conclusion***

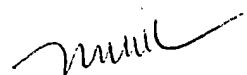
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere, Esq., can be reached on (571) 272-3780. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le  
March 17, 2006

